

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
CHARLOTTESVILLE DIVISION**

UNITED STATES OF AMERICA

v.

JESSE E. HOFFMAN, III,

Defendant.

Case No. 3:01CR00015-01

OPINION

By: James P. Jones
United States District Judge

Jesse E. Hoffman, III, Pro Se Defendant.

On December 19, 2002, the court had sentenced defendant Jesse E. Hoffman, III, to 384 months' imprisonment (ECF No. 88), and on December 19, 2012, the court dismissed Hoffman's Motion to Vacate, Set Aside, or Correct Sentence pursuant to 28 U.S.C. § 2255. *Hoffman v. United States*, No. 7:05cv00046, 2005 WL 2035071, at *1 (W.D. Va. Aug. 22, 2005). More than three years later, Hoffman has filed another § 2255 motion (ECF No. 159) based on a change in case law. Because Hoffman has not shown that the United States Court of Appeals for the Fourth Circuit has authorized him to file a successive § 2255 motion, the § 2255 motion must be dismissed without prejudice as successive pursuant to 28 U.S.C. § 2255(h). Hoffman's related motion to appoint counsel will be denied.

DATED: November 21, 2016

/s/ James P. Jones
United States District Judge